THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.601, 631, 636 AND 648 of 2000

Dt: 02.08.2005

Between:

The APSRTC.,

rep by its Depot Manager, Paderu

Visakhapatnam District … **APPELLANT**

AND

The Industrial Tribunal-cum-

Labour Court, rep. by its Presiding Officer

Visakhapatnam and others … **RESPONDENTS**

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.601, 631, 636 AND 648 of 2000

COMMON JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

Since the issue involved in all these appeals is one and the same, they are being disposed of by a common Judgment.

As the learned counsel for the respondents-workmen is absent for the last two occasions, the matters are decided after hearing the learned counsel for the appellant-Corporation and basing on the material available on record.

These Writ Appeals have been filed by the appellant-Corporation against the common Order dated 24.11.1999 in Writ Petition Nos.15629, 8714, 18464 and 8723 of 1999 passed by a learned single Judge of this Court.

The said Writ Petitions were filed by the appellant-Corporation aggrieved by the separate awards dated, 28.01.1999 and 28.07.1998 in Industrial Dispute Nos.124 of 1996, 503 of 1994, 125 of 1996 and 505 of 1994 passed by the Labour Court, Visakhapatnam.

The respondents-workmen herein filed Industrial Disputes before the Labour Court claiming that they are the workmen under the appellant-Corporation, having been engaged by the Depot Managers of APSRTC., Anakapalli and Paderu of Visakhapatnam District and worked in the Corporation for more than 240 days, but, their services were disengaged without following the provisions of the Industrial Disputes Act and therefore, they sought the relief of reinstatement with back wages and other benefits. The Labour Court passed the awards directing the appellant-Corporation to reinstate the respondents- workmen with back wages and continuity of service. Aggrieved by the same, the appellant-Corporation filed the above said Writ Petitions.

The learned single Judge dismissed the Writ Petitions relying upon the Order dated 19.11.1999 in Writ Petition No.28720 of 1996. Aggrieved by the same, the present Writ Appeals have been preferred.

Learned counsel for the appellant-Corporation has produced the proceedings of the Depot Manager, Paderu Depot dated 24.10.1999 to show that Sri K.Kondala Rao and Sri K.Kondanna who are the respondents in Writ Appeal Nos.601 and 636 of 2000 respectively have been reinstated into service in pursuance of the interim direction of this Court in Writ Petition Nos.15629 and 18464 of 1999 and a letter dated 06.07.2000 of the Managing Director, APSRTC., Musheerabad, Hyderabad addressed to the Regional Manager, APSRTC., Visakhapatnam to show that Sri A.Parameswara Rao who is the first respondent in Writ Appeal No.648 of 2000 has been reinstated into service.

In view of the fact that the Labour Court has awarded reinstatement of workmen with continuity of service and back wages, following the Judgment of the Apex Court in **M.L.BINJOLKAR v. STATE OF M.P.** the Order of the learned single Judge is modified and the appellant-Corporation is directed to reinstate the respondents-workmen with continuity of service and without back wages. But, however, it is made clear that the continuity of service is only for the purpose of calculating the pension.

With the above modification, the Writ Appeals are disposed of. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 02.08.2005

bsv/lvl